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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/838,972      | 04/20/2001  | Amy E. Battles       | 10007461-1          | 1252             |

7590 07/25/2003  
HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER

RAHMJOO, MANUCHER

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2676

DATE MAILED: 07/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |  |  |
|------------------------------|--------------------------------------|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>09/838,972 | <b>Applicant(s)</b><br>BATTLES, AMY E. |  |
|                              | <b>Examiner</b><br>Mike Rahmjoo      | <b>Art Unit</b><br>2676                |  |

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 July 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 5) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1- 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Nolan (US Patent 5,754,873).

As per claims 1, 15, 19 and 20 Nolan teaches displaying an image to the user; receiving information from the user for said image, said information comprising ranking information (display size); and sizing said image (text size) based on said ranking information see for example column 2 lines 25- 67 and column 3 lines 1- 25 and figures 2 and 3a- c.

As per claim 2 Nolan teaches generating an album page including said sized image see for example figures 2 and 3a- c.

As per claim 3 Nolan teaches printing said album page see for example figure 3a and column 7 lines 28- 31.

As per claim 4 Nolan teaches said image is a photographic image see for example column 7 lines 28- 41 and column 11 lines 8- 23.

As per claim 5 Nolan teaches image is stored as image data, further comprising storing

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said ranking information in association with said image data see for example column 2 lines 25- 67 and column 3 lines 1- 25.

As per claim 6 Nolan teaches repeating said displaying and said receiving for a plurality of images, before said sizing see for example column 2 lines 25- 67 and column 7 lines 28- 41 and column 10 lines 46- 62.

As per claim 7 Nolan teaches said sizing comprises sizing to zero (deleting) all images associated with ranking information having a value less than a particular value see for example column 10 lines 15- 18.

As per claim 8 Nolan teaches generating an album page that excludes said images sized to zero see for example column 7 lines 28- 41.

As per claim 9 Nolan teaches said ranking information has one of a plurality of discrete values see for example column 2 lines 24- 43.

As per claim 10 Nolan teaches said sizing comprises selecting a discrete image size corresponding to said ranking information see for example column 2 lines 44- 60 and column 6 lines 59- 67 through column 7 lines 1- 8 and figures 2 and 3a- c.

As per claim 11 Nolan teaches said ranking information is received from a keyboard see for example figure 2 and column 5 lines 55- 65.

As per claim 12 Nolan teaches said ranking information is received from a mouse see for example figure 2 and column 60- 65.

As per claims 13 and 16 Nolan teaches said ranking information is received from a selection control see for example column 2 lines 24- 59 and column 5 lines 56- 65 and figure 2.

As per claim 17 Nolan teaches said at least one ranking control controls a cursor on said

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camera display see for example column 2 lines 44- 59.

As per claim 18 Nolan teaches said at least one ranking control controls highlighting of a ranking option on said camera display see for example figure 2 and column 8 lines 21- 56.

Claim 14 has the same limitations as claims 1- 13 and is therefore rejected with the same rational.

### ***Response to Arguments***

Applicant's arguments filed 07/17/2003 have been fully considered but they are not persuasive.

As per arguments of the 102(b) rejection used and the recitations made as to different meanings and analogies of “rank” that are offered through different dictionaries, the examiner would site the reference made of Merriam- Webster Online Dictionary ([www.com/cgi-bin/dictionary](http://www.com/cgi-bin/dictionary)) which defines the pertinent noun term of rank as “relative standing or position and a grade of official standing in a hierarchy”. The citation of the reference used for the purpose of prosecution of the present application as to column 2 lines 25- 67 and column 3 lines 1- 25 and figures 2 and 3a- c clearly states different text sizes and scaling factors which are also shown through different figure drawings. The mere usage of these different text sizes is a clear presentation of “ranking information” which is analogous to a grade of official standing in a hierarchy.

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***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure 6,262,733, 6,501,441, 5,557,728, 5,731,805, and 6,304,855

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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### **Inquiry**

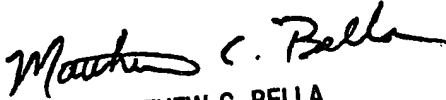
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Rahmjoo whose telephone number is (703) 305- 5658. The examiner can normally be reached on 6:30- 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on (703) 308- 6829. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872- 9314 for regular communications and (703) 872- 9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305- 4750.

Mike Rahmjoo

July 23, 2003

  
MATTHEW C. BELLA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600